

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

SUSAN BRESEMAN WALTER, *as*
natural parent of GREGORY O. WALTER
and CHRISTOPHER S. WALTER, *infants and*
Susan Breseman Walter, individually,
HOWARD N. KEENER, JR.
as natural parent of THAD KEENER,
an infant, and Howard N. Keener, Jr. individually,
MOSTASA SHAABAN, and
AZIZA SHAABAN, *as natural parents of*
SAMI SHAABAN, *an infant, and*
Mostasa Shaaban and Aziza Shaaban, individually,
JAMES F. HORES and SANDRA P. HORES,
as natural parents of BRIAN HORES, LIANE J. HORES
and BRENT HORES, *infants,*
and James F. Hores and Sandra P. Hores, individually,
JOHN F. PRICE, *as natural parent of*
DAVID PRICE, DOUGLAS PRICE
and, GREGORY PRICE, *infants,*
and John F. Price, individually;
and on behalf of all others similarly situated,
BETTY JO LLOYD, *an individual,*
FLORETTE S. ANGEL, *an individual,*
THE NATIONAL COUNCIL OF JEWISH
WOMEN - CHARLESTON,
WEST VIRGINIA SECTION, INC.
a non-profit corporation; and
WEST VIRGINIA CIVIL LIBERTIES UNION,
a non-profit corporation,

Plaintiffs,

v.

CIVIL ACTION NO. 5:84-cv-05366

WEST VIRGINIA BOARD OF
EDUCATION,
ROY TRUBY, *as*
Superintendent of the West Virginia Board of Education
EDWARD LAKEY, *as*
Superintendent of Kanawha County Board of Education,
KANAWHA COUNTY BOARD OF EDUCATION,

GEORGE M. EDWARDS, as
Superintendent of Fayette County Board of Education,
FAYETTE COUNTY BOARD OF EDUCATION,
JAMES D. LANNAN, as
Superintendent of Jackson County Board of Education,
JACKSON COUNTY BOARD OF EDUCATION,
and all other similarly situated county
superintendents of schools and county
boards of education.

Defendants.

ORDER

On March 13, 2025, the Attorney General of West Virginia (“Attorney General”), acting on behalf of the State of West Virginia, filed a Motion to Intervene and to set a briefing schedule. [ECF 13, 14]. On the same date, the Attorney General also filed a Motion to Vacate Order Granting Declaratory and Injunctive Relief. The subject Order Granting Declaratory and Injunctive Relief was filed March 14, 1985. [ECF 15, 17].

On March 14, 2025, the Court entered an order (1) denying the Motion to Intervene as moot, and (2) directing the State of West Virginia to properly file a certificate reflecting service upon all parties of the Motion to Vacate and Memorandum in Support. On the same day, State of West Virginia’s filed a motion seeking leave to withdraw its motion to vacate the injunction without prejudice. [ECF 20].

The Court **GRANTS** the State of West Virginia’s Motion seeking leave to withdraw its motion to vacate the injunction without prejudice. [ECF 20].

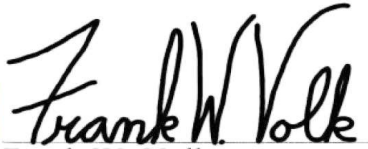
A final word, however, is warranted on the importance of notice. The State of West Virginia suggests it has, in varying degrees and for certain filings, effectuated service upon the parties via the United States Postal Service. It does not appear, however, that the following have been provided notice: (1) Sam Snyder, Prosecuting Attorney of Jackson County, (2) Paul Blake,

Prosecuting Attorney of Fayette County, (3) Religious Freedom and Tri-State Pastors for Religious Freedom, represented by Richard Masters, Amshoff and Amshoff, and (4) Justin Finger, Jeffrey Sinenski, Ruti Teitel, Bette Winik from the Anti-Defamation League of B'nai B'rith, whose local counsel is Richard Gottlieb. All four are included throughout the original paper docket. [ECF 1]. The State of West Virginia is thus obligated to properly serve notice forthwith of the following documents upon all parties or their counsel not previously removed from the case: (1) the Motion to Vacate Order Granting Declaratory and Injunctive Relief [ECF 15, 17], and (2) the Motion to Withdraw Motion to Vacate Order Granting Declaratory and Injunctive Relief. [ECF 20].

The Clerk is directed to transmit a copy of this written opinion and order to counsel of record and any unrepresented party.

ENTER: March 31, 2025




Frank W. Volk
Chief United States District Judge